

Order

Michigan Supreme Court
Lansing, Michigan

January 29, 2010

Marilyn Kelly,
Chief Justice

139142

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 139142
COA: 290470
Oakland CC: 2003-190054-FC

DAVID JAMES MATHIS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 12, 2009 order of the Court of Appeals is considered. We DIRECT the Oakland County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The Prosecuting Attorney shall address whether, assuming only for the sake of argument that the trial court erred in determining that the defendant's OV 11 issue was raised and decided against him on his direct appeal, the defendant has established cause and prejudice under MCR 6.508(D).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 29, 2010

Corbin R. Davis

Clerk